

APR - 7 2004

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PATENTS

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P.2IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Kaushal Kurapati**Examiner:** Nathan A. Sloan**Serial No:** 09/666,630**Art Unit:** 2614**Filed:** September 20, 2000**Docket:** US000240 (17008)**For:** TELEVISION PROGRAM RECOMMENDER
WITH AUTOMATIC IDENTIFICATION OF
CHANGING VIEWER PREFERENCESCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**DECLARATION UNDER 37 C.F.R. §1.131**

Sir:

I, Gregory L. Thorne, hereby declare that:

1. I am an Attorney registered to practice before the US Patent and Trademark Office and an employee of the Assignee of U.S. Patent Application Serial No. 09/666,630 filed September 20, 2003 ("the Application").

2. U.S. Patent Application No. 2003/0093792 A1 entitled "Method and Apparatus For Delivering Television Programs And Targeted De-Coupled Advertising" to Labeeb et al., (hereinafter "Labeeb") has been identified by the Examiner in Office Actions dated August 14, 2003 and January 28, 2004 as a basis for rejecting pending Claims 1-32 in the Application. Labeeb was filed on June 27, 2001 and is based on U.S. Provisional Applications 60/215,450 filed on June 30, 2000 and 60/226,437 filed on August 18, 2000.

3. The invention disclosed and claimed in the Application was completed in the United States, by the inventor prior to the earliest filing of the Labeeb reference, i.e., June 30, 2000.

4. As evidence of the completion of the above invention prior to the critical date of Labeeb, annexed hereto is Exhibit A. Exhibit A consists of a copy of a "Disclosure of Invention" document, dated prior to June 30, 2000, which was prepared based upon the invention in the Application. Dates have been redacted in preparation of this Exhibit.

5. The present application was filed (constructively reduced to practice) within a period beginning prior to the filing date of the Labeeb reference and ending with the filing of the present application.

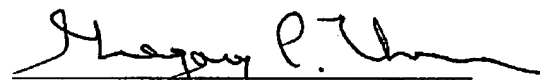
6. During the significant time period (e.g. prior to the June 30, 2000 priority date of Labeeb);

- a) On June 21, 2000, the disclosure file was received by outside counsel firm Ryan, Mason & Lewis, LLP (their normal procedure is to immediately contact the lead inventor to confirm that there is no upcoming bar activity and establish schedule for preparation of the patent application).
- b) On July 10, 2000, Kevin M. Mason had an in-person interview with inventor Kaushal Kurapati in Briarcliff to discuss the invention.
- c) On July 26, 2000, Kaushal Kurapati provided analysis of search results (e.g. known prior art) to Kevin M. Mason.
- d) During the week of August 14, 2000, Kevin M. Mason started drafting the specification of the patent application and had telephone interviews with Kaushal Kurapati.
- e) On August 21, 2000, Kevin M. Mason sent a first draft to Kaushal Kurapati by e-mail.
- f) On August 30, 2000, Kevin M. Mason received comments from the inventor on the first draft.

- g) On August 31, 2000, Kevin M. Mason sent a revised draft to the inventor.
- h) On September 5, 2000, Kevin M. Mason received approval of the revised draft from the inventor to file the patent application - including the revised draft.
- i) On September 6, 2000, Kevin M. Mason sent the revised draft as the final version of the patent application to me for filing.
- j) On September 20, 2000, I filed the patent application with the USPTO - including the revised draft.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/29/04


Gregory L. Thorne